

## REMARKS

Receipt of the Office Action of April 19, 2011 is gratefully acknowledged.

Claims 2 - 4 have been examined and finally rejected as follows: claims 2 and 3 are objected under 37 CFR 1.75 (c) because they fail "to further limit the subject matter of a previous claim;" claim 4 is rejected under 35 USC 102(a)/(e) by newly cited Kadyk et al; and claims 2 and 3 are rejected under 35 USC 103(a) over newly cited Kadyk et al in view of "PROFIBUS."

\*\*\*\*\*

Claim 2 has been amended to conform it more closely to a method limitation. Claim 3 is retained its present format because it already does further define the method of claim 4 by the recitation of "further comprises the step of." The recitation of a further step in a method claim, clearly further defines the method of the claim from which the objected claim depends. The objection noted above should be withdrawn.

The rejection of claims 2 - 4 over art is respectfully traversed.

The newly cited Kadyk et al patent discloses structure which is very different from that disclosed in the present application. Claim 4, however, is a method claim and not a structural claim. Nevertheless, the method steps must be capable of being performed by the structure disclosed by Kadyk et al, and, it is respectfully submitted, they are not; at least not all of the recited steps, and that is necessary for anticipation to apply.

Consider, for example, the storing step of claim 4. The device driver must encapsulate all data and functions of the corresponding field devices. In addition, the device driver must provide a graphical user interface. The device driver interface 412 of Kadyk et al does not provide the graphical user interface as suggested by the examiner. Then consider, for example, the exchanging step. The examiner believes that col. 15, lines 8 - 16 and lines 25 - 27 disclose this step. Applicants disagree. All aspects of the step must be considered. Where is the "...aid of a communication driver..." to be found?


Again, anticipation cannot result, where whole steps or features of a step are missing. Extrapolation is really not permitted under 35 USC 102.

The rejection under 35 USC 103(a) also fails because the PROFIBUS Technology reference does not supply the defects found in Kadyk et al vis-a-vis claim 4.

In view of the foregoing, entry of the amendment to claim 2 is respectfully requested and claims 2 - 4 allowed.

Respectfully submitted,

Date: July 19, 2011

  
Felix J. D'Ambrosio  
Reg. No. 25,721

BACON & THOMAS, PLLC  
625 Slaters lane-4th Floor  
Alexandria, VA 22314  
Tel: (703) 683-0500  
Fax: (703) 683-1080

S:\Producer\jfd\CLIENTS\Endress+Hauser Holding GmbH\GHER3001-CD0200\July 19, 2011 Response.wpd